

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

ANTHONY GRIFFIN, MARK MCINDOO,	)	Civil Action No.:5:16-cv-354
and SUSAN DETOMASO, on behalf of	)	(LEK/ATB)
themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ALDI, INC., DOE DEFENDANTS 1-10,	)	
	)	
Defendants.	)	

**PLAINTIFFS' NOTICE OF MOTION AND MOTION REQUESTING: PRELIMINARY APPROVAL OF PROPOSED SETTLEMENT; CONDITIONAL CERTIFICATION OF SETTLEMENT CLASS; APPOINTMENT OF CLASS COUNSEL; AUTHORIZATION TO SEND NOTICES OF SETTLEMENT; AND DATE FOR FAIRNESS HEARING**

Pursuant to Federal Rule of Civil Procedure 23, Plaintiffs in the above-captioned class and collective action hereby move the Court for:

- (a) preliminary approval of the proposed settlement;
- (b) conditional certification for settlement purposes only of the proposed class of New York workers;
- (c) appointment of Plaintiffs' counsel as Class Counsel;
- (d) approval of and authorization to send notices of the proposed settlement with claim forms to the proposed class of New York workers and to workers who have already opted in to the FLSA component of this action; and
- (e) a date and time at which the Court will hold the final fairness hearing.

In support of this motion, Plaintiffs submit the accompanying Memorandum of Law, the Declaration of Adam Gonnelli In Support of Plaintiffs' Motion for Preliminary Approval, which contains the proposed notices, claim forms and settlement agreement, the proposed order, and all pleadings, exhibits, records, and documents on file in this case, any matters of which judicial notice may be taken, any oral argument that may be presented, and any such matters the Court deems just and necessary.

Defendant does not oppose this motion.

Accordingly, Plaintiffs respectfully request this Court grant their motion.

Dated: April 27, 2018

By: /s/ Adam R. Gonnelli

Adam R. Gonnelli, Esq.  
N.D.N.Y. Bar Roll no.: 515045  
**THE SULTZER LAW GROUP, P.C.**  
85 Civic Center Plaza, Suite 104  
Poughkeepsie, NY 12601  
Telephone: (845) 483-7100  
Facsimile: (888) 749-7747  
Email: gonnellia@thesultzerlawgroup.com

**FARUQI & FARUQI, LLP**  
Innessa S. Melamed, Esq.  
N.D.N.Y. Bar Roll no.: 519963  
685 Third Avenue, 26th Floor  
New York, NY 10017  
Telephone: (212) 983-9330  
Facsimile: (212) 983-9331  
Email: imelamed@faruqilaw.com

**FRANK S. GATTUSO, ESQ.**  
9 Landgrove Drive  
Fayetteville, New York 13066  
Telephone: 315-400-5958  
Email: frankgattuso14@gmail.com

**VIRGINIA & AMBINDER, LLP**  
Lloyd R. Ambinder  
40 Broad Street, 7<sup>th</sup> Floor  
New York, New York 10004  
Telephone: (212) 943-9080  
Fax: (212) 943-9082  
Email: Lambinder@vandallp.com

**LEEDS BROWN LAW, P.C.**  
Jeffrey K. Brown  
Michael A. Tompkins  
1 Old Country Road, Suite 347  
Carle Place, New York 11514  
Telephone: (516) 873-9550  
Email: jbrown@leedsbrownlaw.com

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on April 27, 2018, he electronically filed the foregoing **Notice of Motion and Motion for Preliminary Approval of Proposed Settlement** with the Clerk of the Court using the ECF system, which will send notification of such filing to the following counsel of record:

Noah A. Finkel  
Attorney Bar No. 6624910  
Cheryl A. Luce  
Attorney Bar No. 6313386  
Seyfarth Shaw LLP  
131 South Dearborn Street, Suite 2400  
Chicago, Illinois 60603  
Tel. (312) 460-5000  
Fax (312) 460-7000  
nfinkel@seyfarth.com  
cluce@seyfarth.com

Louisa Johnson  
Attorney Bar No. 391805  
Seyfarth Shaw LLP  
1075 Peachtree Street, N.E., Suite 2500  
Atlanta, Georgia 30309  
Tel. (404) 885-1500  
Fax (404) 892-7056  
lojohnson@seyfarth.com

Howard M. Wexler  
Attorney Bar No. 518197  
Seyfarth Shaw LLP  
620 Eighth Avenue, 32nd Floor  
New York, New York 10018  
Tel. (212) 218-5500  
Fax (212) 218-5526  
hwexler@seyfarth.com

By: /s/ Adam Gonnelli  
Adam Gonnelli (Bar Roll No. 515045)